

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

EDWARD J. NOVAK. et ux.

*

Case No. 92104514 (MD) (1)

Case No. 93-3297

*

Plaintiffs

*

v.

*

*

ACandS, Inc., et al.

*

Defendants

*

* * * * *

**MOTION FOR LEAVE TO AMEND AND FOR SUBSTITUTION OF PARTIES
AND INCLUSION OF LOSS OF CONSORTIUM CLAIM**

1. Doris M. Novak moves this Court for an Order substituting her, in her capacity as Personal Representative of the Estate of Edward J. Novak, Plaintiff herein deceased, as Plaintiff in this action, without prejudice to the proceedings already had in this action and, as grounds therefore, show to the Court that Edward J. Novak, Plaintiff herein, died November 14, 2005, that the said Doris M. Novak was appointed Personal Representative of the estate of Edward J. Novak by the Register of Wills for Baltimore County, and that she was duly qualified and is now acting as such Personal Representative; and that this is an action at law for personal injuries and therefore the claim has not been extinguished by the death of Plaintiff.

2. Doris M. Novak, Plaintiff and surviving spouse of Edward J. Novak, moves this Court for an Order adding her loss of consortium claim, in her capacity as plaintiff and surviving spouse of Edward J. Novak, Plaintiff herein, deceased, without prejudice to the proceedings

already had in this action and, as grounds therefore, shows to the Court that Edward J. Novak, Plaintiff herein, died November 14, 2005; that the said Doris M. Novak has lost and been deprived of the services, care, attention, society, companionship, comfort, protection, marital care, advice, counsel and guidance which her husband rendered to her while alive.

WHEREFORE, Doris M. Novak, Personal Representative of the Estate of Edward J. Novak, requests this Court to substitute her as Plaintiff herein in place of Edward J. Novak, deceased, and Doris M. Novak, surviving spouse of Edward J. Novak, requests this Court's permission to add her loss of consortium claim.

/s/

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(410) 426-3200

ATTORNEY FOR PLAINTIFFS

STATEMENT OF AUTHORITIES

1. United States District Court for the District of Maryland Local Rule 103(b) and (c).

/s/

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1(FedMat026)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of July, 2005, copies of the foregoing have been mailed, first class, postage prepaid, to the following:

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